

AMENDED IN SENATE APRIL 27, 2011

AMENDED IN SENATE APRIL 14, 2011

**SENATE BILL**

**No. 382**

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**Introduced by Senator Liu**  
**(Principal coauthor: Senator Emmerson)**  
(Coauthor: Assembly Member Jeffries)

February 15, 2011

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An act to amend Sections 4629 and 4648 of, and to add Sections 4639.1, 4639.2, 4639.3, and 4639.4 to, the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 382, as amended, Liu. Developmental services: regional centers: complaints.

The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities. That law authorizes the department to enter into 5-year contracts with regional centers, subject to an annual appropriation of funds by the Legislature. The act requires the contracts to specify that each regional center include annual performance objectives that will meet certain standards and allows the department to specify additional areas of support that require development or enhancement. The act requires corrective action if a regional center fails to meet the performance standards.

This bill would require the department to specify additional areas of support requiring development or enhancement, as specified.

This bill would require the department to develop processes and procedures, as specified, to address issues of retaliation against regional

center employees and vendors and would require those processes and procedures to be included in the regional center standard agreement contracts.

This bill would require a regional center to report annually to the department the total number of complaints it has received within a fiscal year and would require the department to report the information to the Legislature, as specified. The bill would require the department, in addition to all other audits and reviews, at least once every 36 months, to conduct a review of each regional center's compliance with the procedures for developing individual program plans, as specified, and to utilize the results of the review to develop annual performance objectives. The bill would also, beginning July 1, 2013, require each regional center to post on its Internet Web site a directory of vendorized service providers, and negotiated rates, if applicable, and to update that list annually.

The act provides that the regional centers purchase needed services for individuals with developmental disabilities through approved service providers that are identified through a process of vendorization. The act requires services and supports of comparable quality that are offered at different costs by different providers to be assessed and the lower cost provider used unless specified determinations are made.

This bill would require the determination of comparability to be made by the program planning team and to include specified criteria.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 4629 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 4629. (a) The state shall enter into five-year contracts with
- 4 regional centers, subject to the annual appropriation of funds by
- 5 the Legislature.
- 6 (b) The contracts shall include a provision requiring each
- 7 regional center to render services in accordance with applicable
- 8 state laws and regulations.
- 9 (c) (1) The contracts shall include annual performance
- 10 objectives that shall do both of the following:
- 11 (A) Be specific, measurable, and designed to do all of the
- 12 following:

- 1 (i) Assist consumers to achieve life quality outcomes.
- 2 (ii) Achieve meaningful progress above the current baselines.
- 3 (iii) Develop services and supports identified as necessary to
- 4 meet identified needs.

5 (B) Be developed through a public process as described in the  
6 department's guidelines that includes, but is not limited to, all of  
7 the following:

8 (i) Providing information, in an understandable form, to the  
9 community about regional center services and supports, including  
10 budget information and baseline data on services and supports and  
11 regional center operations.

12 (ii) Conducting a public meeting where participants can provide  
13 input on performance objectives and using focus groups or surveys  
14 to collect information from the community.

15 (iii) Circulating a draft of the performance objectives to the  
16 community for input prior to presentation at a regional center board  
17 meeting where additional public input will be taken and considered  
18 before adoption of the objectives.

19 (2) In addition to the performance objectives developed pursuant  
20 to this section, the department shall specify in the performance  
21 contract additional areas of service and support that require  
22 development or enhancement by the regional center, including,  
23 but not limited to, the requirements of subdivision (c) of Section  
24 4639.2 and subdivision (d) of Section 4639.3. In determining those  
25 areas, the department shall consider public comments from  
26 individuals and organizations within the regional center catchment  
27 area, the subject and results of fair hearing decisions, the  
28 distribution of services and supports within the regional center  
29 catchment area, and review how the availability of services and  
30 supports in the regional area catchment area compares with other  
31 regional center catchment areas.

32 (d) Each contract with a regional center shall specify steps to  
33 be taken to ensure contract compliance, including, but not limited  
34 to, all of the following:

35 (1) Incentives that encourage regional centers to meet or exceed  
36 performance standards.

37 (2) Levels of probationary status for regional centers that do  
38 not meet, or are at risk of not meeting, performance standards. The  
39 department shall require that corrective action be taken by any  
40 regional center which is placed on probation. Corrective action

1 may include, but is not limited to, mandated consultation with  
2 designated representatives of the Association of Regional Center  
3 Agencies or a management team designated by the department, or  
4 both. The department shall establish the specific timeline for the  
5 implementation of corrective action and monitor its  
6 implementation. When a regional center is placed on probation,  
7 the department shall provide the appropriate area board with a  
8 copy of the correction plan, timeline, and any other action taken  
9 by the department relating to the probationary status of the regional  
10 center.

11 (e) In order to evaluate the regional center's compliance with  
12 its contract performance objectives and legal obligations related  
13 to those objectives, the department shall do both of the following:

14 (1) Annually assess each regional center's achievement of its  
15 previous year's objectives and make the assessment, including  
16 baseline data and performance objectives of the individual regional  
17 centers, available to the public. The department may make a special  
18 commendation of the regional centers that have best engaged the  
19 community in the development of contract performance objectives  
20 and have made the most meaningful progress in meeting or  
21 exceeding contract performance objectives.

22 (2) Monitor the activities of the regional center to ensure  
23 compliance with the provisions of its contracts, including, but not  
24 limited to, reviewing all of the following:

25 (A) The regional center's public process for compliance with  
26 the procedures set forth in paragraph (2) of subdivision (c).

27 (B) Each regional center's performance objectives for  
28 compliance with the criteria set forth in paragraph (1) of  
29 subdivision (c).

30 (C) Any public comments on regional center performance  
31 objectives sent to the department or to the regional centers, and  
32 soliciting public input on the public process and final performance  
33 standards.

34 (f) The renewal of each contract shall be contingent upon  
35 compliance with the contract including, but not limited to, the  
36 performance objectives, as determined through the department's  
37 evaluation.

38 SEC. 2. Section 4639.1 is added to the Welfare and Institutions  
39 Code, to read:

1 4639.1. (a) No later than July 1, 2012, the State Department  
2 of Developmental Services shall develop processes and procedures  
3 to address issues of retaliation against regional center employees  
4 and vendors. These processes and procedures shall be included in  
5 the regional center standard agreement contract after development.  
6 At a minimum, the processes and procedures shall include the  
7 following:

8 (1) For the purposes of the contract, a definition of “retaliation.”

9 (2) *A statement that the regional center shall not engage in acts*  
10 *of retaliation.*

11 ~~(2)~~

12 (3) A requirement for the regional center to report all allegations  
13 of retaliation to its board members and to the department, although  
14 the department shall not be required to investigate the allegation  
15 unless received directly from the party making the allegation.

16 ~~(3)~~

17 (4) A process for corrective action by the regional center and a  
18 process for verification of corrective action by the department.

19 ~~(4)~~

20 (5) (A) A provision of notice to employees and vendors, made  
21 by the regional center, of the processes and procedures that are  
22 developed, detailing to whom they can make a complaint of  
23 retaliation and who will investigate the complaint.

24 (B) The provision of notice shall specify that the department  
25 will not investigate a complaint of retaliation unless the  
26 complainant directly files that complaint with the department. The  
27 provision of notice shall also specify the department’s policy on  
28 responding to whistleblower complaints and the right to make a  
29 complaint directly to the department.

30 (C) *The provision of notice shall specify all applicable*  
31 *prohibitions against retaliation under federal and state law,*  
32 *including, but not limited to, prohibitions pursuant to Section*  
33 *12653 of the Government Code or Section 1102.5 of the Labor*  
34 *Code.*

35 ~~(C)~~

36 (D) The provision of notice may be disseminated in the same  
37 manner as other notices disseminated to stakeholders concerning  
38 their rights when filing a complaint.

39 (b) (1) The department shall develop the processes and  
40 procedures described in subdivision (a) in conjunction with the

1 Association of Regional Center Agencies (ARCA), and in  
2 consultation with ~~other~~ *a broad representation of the following*  
3 *types of stakeholder groups—representing groups: employees,*  
4 *consumers and their families, and vendors. A minimum of three*  
5 *representatives from each type of stakeholder group shall be*  
6 *included in the consultation process provided pursuant to this*  
7 *paragraph. The stakeholder representation shall take into account*  
8 *the geographic distribution of regional centers and the diversity*  
9 *of provider services. The department may also include additional*  
10 *stakeholders, as it deems appropriate.*

11 (2) *The processes and procedures shall be developed through*  
12 *a process through which the stakeholders listed in paragraph (1)*  
13 *may provide input to address issues of retaliation against regional*  
14 *center employees and vendors.*

15 (c) *A statewide association that represents the interest of*  
16 *stakeholders in regional centers shall be allowed to participate if*  
17 *not represented pursuant to subdivision (b).*

18 SEC. 3. Section 4639.2 is added to the Welfare and Institutions  
19 Code, to read:

20 4639.2. (a) A regional center shall report annually to the  
21 department the total number of complaints it has received within  
22 a fiscal year, including the method in which the complaint was  
23 received, the type of complaint, the number of days pending to  
24 resolution, and the disposition of each complaint.

25 (b) The department shall report annually to the Legislature the  
26 total volume, method, type of complaint, days pending, and  
27 disposition of complaints for each regional center that the regional  
28 center has received in a fiscal year. The department shall also  
29 provide to the Legislature the total volume, method, type of  
30 complaint, days pending, and disposition of complaints for each  
31 regional center that the department has directly received in a fiscal  
32 year. The department shall ascertain to the best of its ability which  
33 complaints have been filed with both the regional center and the  
34 department to avoid duplicate counting of complaints.

35 (c) The department shall use the complaint data gathered pursuant  
36 to this subdivision, accounting for population size, service needs,  
37 and availability, to develop annual performance objectives for each  
38 regional center that will improve each regional center's resolution  
39 of complaints, where necessary.

1 SEC. 4. Section 4639.3 is added to the Welfare and Institutions  
2 Code, to read:

3 4639.3. (a) In addition to all other audits and reviews the  
4 department conducts of regional centers, the department shall  
5 conduct a review of each regional center's compliance with the  
6 procedures for developing individual program plans required by  
7 law and regulation. The review shall consist of an evaluation of  
8 whether the regional center has appropriate individual program  
9 plan procedures in place, as well as a sampling of individual  
10 program plans to determine whether procedures are being followed.  
11 The regional center shall have the duty of demonstrating  
12 compliance with respect to the development and ongoing  
13 requirements of individual program plans. The department shall  
14 issue necessary guidance to aid regional centers in retaining or  
15 producing documentation that constitutes demonstration of  
16 compliance.

17 (b) The department shall include this review in any fiscal audit,  
18 Medicaid waiver review, or the follow up to an audit or review,  
19 but the department shall conduct the review no less than once every  
20 36 months. If a regional center has been found to be noncompliant  
21 with state law or regulation, with respect to the development or  
22 ongoing requirements of individual program plans, the department  
23 shall monitor the regional center as necessary to ensure that  
24 corrective actions are taken by the regional center.

25 (c) The department shall utilize the results of this review to  
26 develop annual performance objectives for each regional center  
27 that will improve each regional center's compliance with state law  
28 and regulation with respect to the development and ongoing  
29 requirements of individual program plans.

30 (d) The department shall include the results of this review in its  
31 published annual review, pursuant to subdivision (g) of Section  
32 4629.

33 SEC. 5. Section 4639.4 is added to the Welfare and Institutions  
34 Code, to read:

35 4639.4. In order to provide consumers and their families with  
36 information about service providers, and to provide greater  
37 transparency in the rates paid to service providers, beginning July  
38 1, 2013, each regional center shall publish a directory of vendorized  
39 service providers on its Internet Web site, listing them by category  
40 of service. For vendors who have negotiated rates, the negotiated

1 rate shall be published. The directory of service providers and their  
2 rates shall be updated annually.

3 SEC. 6. Section 4648 of the Welfare and Institutions Code is  
4 amended to read:

5 4648. In order to achieve the stated objectives of a consumer's  
6 individual program plan, the regional center shall conduct activities,  
7 including, but not limited to, all of the following:

8 (a) Securing needed services and supports.

9 (1) It is the intent of the Legislature that services and supports  
10 assist individuals with developmental disabilities in achieving the  
11 greatest self-sufficiency possible and in exercising personal  
12 choices. The regional center shall secure services and supports  
13 that meet the needs of the consumer, as determined in the  
14 consumer's individual program plan, and within the context of the  
15 individual program plan, the planning team shall give highest  
16 preference to those services and supports which would allow  
17 minors with developmental disabilities to live with their families,  
18 adult persons with developmental disabilities to live as  
19 independently as possible in the community, and that allow all  
20 consumers to interact with persons without disabilities in positive,  
21 meaningful ways.

22 (2) In implementing individual program plans, regional centers,  
23 through the planning team, shall first consider services and supports  
24 in natural community, home, work, and recreational settings.  
25 Services and supports shall be flexible and individually tailored  
26 to the consumer and, where appropriate, his or her family.

27 (3) A regional center may, pursuant to vendorization or a  
28 contract, purchase services or supports for a consumer from any  
29 individual or agency which the regional center and consumer or,  
30 where appropriate, his or her parents, legal guardian, or  
31 conservator, or authorized representatives, determines will best  
32 accomplish all or any part of that consumer's program plan.

33 (A) Vendorization or contracting is the process for identification,  
34 selection, and utilization of service vendors or contractors, based  
35 on the qualifications and other requirements necessary in order to  
36 provide the service.

37 (B) A regional center may reimburse an individual or agency  
38 for services or supports provided to a regional center consumer if  
39 the individual or agency has a rate of payment for vendored or  
40 contracted services established by the department, pursuant to this



1 division, and is providing services pursuant to an emergency  
2 vendorization or has completed the vendorization procedures or  
3 has entered into a contract with the regional center and continues  
4 to comply with the vendorization or contracting requirements. The  
5 director shall adopt regulations governing the vendorization process  
6 to be utilized by the department, regional centers, vendors and the  
7 individual or agency requesting vendorization.

8 (C) Regulations shall include, but not be limited to: the vendor  
9 application process, and the basis for accepting or denying an  
10 application; the qualification and requirements for each category  
11 of services that may be provided to a regional center consumer  
12 through a vendor; requirements for emergency vendorization;  
13 procedures for termination of vendorization; the procedure for an  
14 individual or an agency to appeal any vendorization decision made  
15 by the department or regional center.

16 (D) A regional center may vendorize a licensed facility for  
17 exclusive services to persons with developmental disabilities at a  
18 capacity equal to or less than the facility's licensed capacity. A  
19 facility already licensed on January 1, 1999, shall continue to be  
20 vendorized at their full licensed capacity until the facility agrees  
21 to vendorization at a reduced capacity.

22 (E) Effective July 1, 2009, notwithstanding any other provision  
23 of law or regulation to the contrary, a regional center shall not  
24 newly vendor a State Department of Social Services licensed  
25 24-hour residential care facility with a licensed capacity of 16 or  
26 more beds, unless the facility qualifies for receipt of federal funds  
27 under the Medicaid Program.

28 (4) Notwithstanding subparagraph (B), a regional center may  
29 contract or issue a voucher for services and supports provided to  
30 a consumer or family at a cost not to exceed the maximum rate of  
31 payment for that service or support established by the department.  
32 If a rate has not been established by the department, the regional  
33 center may, for an interim period, contract for a specified service  
34 or support with, and establish a rate of payment for, any provider  
35 of the service or support necessary to implement a consumer's  
36 individual program plan. Contracts may be negotiated for a period  
37 of up to three years, with annual review and subject to the  
38 availability of funds.

39 (5) In order to ensure the maximum flexibility and availability  
40 of appropriate services and supports for persons with

1 developmental disabilities, the department shall establish and  
2 maintain an equitable system of payment to providers of services  
3 and supports identified as necessary to the implementation of a  
4 consumers' individual program plan. The system of payment shall  
5 include provision for a rate to ensure that the provider can meet  
6 the special needs of consumers and provide quality services and  
7 supports in the least restrictive setting as required by law.

8 (6) The regional center and the consumer, or where appropriate,  
9 his or her parents, legal guardian, conservator, or authorized  
10 representative, including those appointed pursuant to subdivision  
11 (d) of Section 4548 or subdivision (e) of Section 4705, shall,  
12 pursuant to the individual program plan, consider all of the  
13 following when selecting a provider of consumer services and  
14 supports:

15 (A) A provider's ability to deliver quality services or supports  
16 which can accomplish all or part of the consumer's individual  
17 program plan.

18 (B) A provider's success in achieving the objectives set forth  
19 in the individual program plan.

20 (C) Where appropriate, the existence of licensing, accreditation,  
21 or professional certification.

22 (D) (i) The cost of providing services or supports of comparable  
23 quality by different providers, if available, shall be reviewed, and  
24 the least costly available provider of comparable service, including  
25 the cost of transportation, who is able to accomplish all or part of  
26 the consumer's individual program plan, consistent with the  
27 particular needs of the consumer and family as identified in the  
28 individual program plan, shall be selected. In determining the least  
29 costly provider, the availability of federal financial participation  
30 shall be considered.

31 (ii) The consumer shall not be required to use the least costly  
32 provider if it will result in the consumer moving from an existing  
33 provider of services or supports to more restrictive or less  
34 integrated services or supports. The determination of comparability  
35 shall be made by the individual program plan planning team and  
36 shall include, but not be limited to, the criteria in subparagraphs  
37 (A), (B), (C), and (E).

38 (E) The consumer's or, where appropriate, the parents, legal  
39 guardian, or conservator of a consumer's choice of providers.

1 (7) No service or support provided by any agency or individual  
2 shall be continued unless the consumer or, where appropriate, his  
3 or her parents, legal guardian, or conservator, or authorized  
4 representative, including those appointed pursuant to subdivision  
5 (d) of Section 4548 or subdivision (e) of Section 4705, is satisfied  
6 and the regional center and the consumer or, when appropriate,  
7 the person's parents or legal guardian or conservator agree that  
8 planned services and supports have been provided, and reasonable  
9 progress toward objectives have been made.

10 (8) Regional center funds shall not be used to supplant the  
11 budget of any agency which has a legal responsibility to serve all  
12 members of the general public and is receiving public funds for  
13 providing those services.

14 (9) (A) A regional center may, directly or through an agency  
15 acting on behalf of the center, provide placement in, purchase of,  
16 or follow-along services to persons with developmental disabilities  
17 in, appropriate community living arrangements, including, but not  
18 limited to, support service for consumers in homes they own or  
19 lease, foster family placements, health care facilities, and licensed  
20 community care facilities. In considering appropriate placement  
21 alternatives for children with developmental disabilities, approval  
22 by the child's parent or guardian shall be obtained before placement  
23 is made.

24 (B) Effective July 1, 2012, notwithstanding any other provision  
25 of law or regulation to the contrary, a regional center shall not  
26 purchase residential services from a State Department of Social  
27 Services licensed 24-hour residential care facility with a licensed  
28 capacity of 16 or more beds. This prohibition on regional center  
29 purchase of residential services shall not apply to either of the  
30 following:

31 (i) A residential facility with a licensed capacity of 16 or more  
32 beds that has been approved to participate in the department's  
33 Home and Community Based Services Waiver or another existing  
34 waiver program or certified to participate in the Medi-Cal program.

35 (ii) A residential facility service provider that has a written  
36 agreement and specific plan prior to July 1, 2012, with the  
37 vendoring regional center to downsize the existing facility by  
38 transitioning its residential services to living arrangements of 15  
39 beds or less or restructure the large facility to meet federal  
40 Medicaid eligibility requirements on or before June 30, 2013.

(C) Each person with developmental disabilities placed by the regional center in a community living arrangement shall have the rights specified in this division. These rights shall be brought to the person's attention by any means necessary to reasonably communicate these rights to each resident, provided that, at a minimum, the Director of Developmental Services prepare, provide, and require to be clearly posted in all residential facilities and day programs a poster using simplified language and pictures that is designed to be more understandable by persons with cognitive disabilities and that the rights information shall also be available through the regional center to each residential facility and day program in alternative formats, including, but not limited to, other languages, braille, and audio tapes, when necessary to meet the communication needs of consumers.

(D) Consumers are eligible to receive supplemental services including, but not limited to, additional staffing, pursuant to the process described in subdivision (d) of Section 4646. Necessary additional staffing that is not specifically included in the rates paid to the service provider may be purchased by the regional center if the additional staff are in excess of the amount required by regulation and the individual's planning team determines the additional services are consistent with the provisions of the individual program plan. Additional staff should be periodically reviewed by the planning team for consistency with the individual program plan objectives in order to determine if continued use of the additional staff is necessary and appropriate and if the service is producing outcomes consistent with the individual program plan. Regional centers shall monitor programs to ensure that the additional staff is being provided and utilized appropriately.

(10) Emergency and crisis intervention services including, but not limited to, mental health services and behavior modification services, may be provided, as needed, to maintain persons with developmental disabilities in the living arrangement of their own choice. Crisis services shall first be provided without disrupting a person's living arrangement. If crisis intervention services are unsuccessful, emergency housing shall be available in the person's home community. If dislocation cannot be avoided, every effort shall be made to return the person to his or her living arrangement of choice, with all necessary supports, as soon as possible.

1 (11) Among other service and support options, planning teams  
2 shall consider the use of paid roommates or neighbors, personal  
3 assistance, technical and financial assistance, and all other service  
4 and support options which would result in greater self-sufficiency  
5 for the consumer and cost-effectiveness to the state.

6 (12) When facilitation as specified in an individual program  
7 plan requires the services of an individual, the facilitator shall be  
8 of the consumer's choosing.

9 (13) The community support may be provided to assist  
10 individuals with developmental disabilities to fully participate in  
11 community and civic life, including, but not limited to, programs,  
12 services, work opportunities, business, and activities available to  
13 persons without disabilities. This facilitation shall include, but not  
14 be limited to, any of the following:

15 (A) Outreach and education to programs and services within  
16 the community.

17 (B) Direct support to individuals which would enable them to  
18 more fully participate in their community.

19 (C) Developing unpaid natural supports when possible.

20 (14) Other services and supports may be provided as set forth  
21 in Sections 4685, 4686, 4687, 4688, and 4689, when necessary.

22 (15) Notwithstanding any other provision of law or regulation  
23 to the contrary, effective July 1, 2009, regional centers shall not  
24 purchase experimental treatments, therapeutic services, or devices  
25 that have not been clinically determined or scientifically proven  
26 to be effective or safe or for which risks and complications are  
27 unknown. Experimental treatments or therapeutic services include  
28 experimental medical or nutritional therapy when the use of the  
29 product for that purpose is not a general physician practice. For  
30 regional center consumers receiving these services as part of their  
31 individual program plan (IPP) or individualized family service  
32 plan (IFSP) on July 1, 2009, this prohibition shall apply on August  
33 1, 2009.

34 (b) (1) Advocacy for, and protection of, the civil, legal, and  
35 service rights of persons with developmental disabilities as  
36 established in this division.

37 (2) Whenever the advocacy efforts of a regional center to secure  
38 or protect the civil, legal, or service rights of any of its consumers  
39 prove ineffective, the regional center or the person with  
40 developmental disabilities or his or her parents, legal guardian, or

1 other representative may request the area board to initiate action  
2 under the provisions defining area board advocacy functions  
3 established in this division.

4 (c) The regional center may assist consumers and families  
5 directly, or through a provider, in identifying and building circles  
6 of support within the community.

7 (d) In order to increase the quality of community services and  
8 protect consumers, the regional center shall, when appropriate,  
9 take either of the following actions:

10 (1) Identify services and supports that are ineffective or of poor  
11 quality and provide or secure consultation, training, or technical  
12 assistance services for any agency or individual provider to assist  
13 that agency or individual provider in upgrading the quality of  
14 services or supports.

15 (2) Identify providers of services or supports that may not be  
16 in compliance with local, state, and federal statutes and regulations  
17 and notify the appropriate licensing or regulatory authority, or  
18 request the area board to investigate the possible noncompliance.

19 (e) When necessary to expand the availability of needed services  
20 of good quality, a regional center may take actions that include,  
21 but are not limited to, the following:

22 (1) Soliciting an individual or agency by requests for proposals  
23 or other means, to provide needed services or supports not presently  
24 available.

25 (2) Requesting funds from the Program Development Fund,  
26 pursuant to Section 4677, or community placement plan funds  
27 designated from that fund, to reimburse the startup costs needed  
28 to initiate a new program of services and supports.

29 (3) Using creative and innovative service delivery models,  
30 including, but not limited to, natural supports.

31 (f) Except in emergency situations, a regional center shall not  
32 provide direct treatment and therapeutic services, but shall utilize  
33 appropriate public and private community agencies and service  
34 providers to obtain those services for its consumers.

35 (g) Where there are identified gaps in the system of services  
36 and supports or where there are identified consumers for whom  
37 no provider will provide services and supports contained in his or  
38 her individual program plan, the department may provide the  
39 services and supports directly.

1 (h) At least annually, regional centers shall provide the  
2 consumer, his or her parents, legal guardian, conservator, or  
3 authorized representative a statement of services and supports the  
4 regional center purchased for the purpose of ensuring that they are  
5 delivered. The statement shall include the type, unit, month, and  
6 cost of services and supports purchased.

O